

Remarks

Applicant has reviewed and considered the Office Action dated October 2, 2003, claims 1, 27, 29, 44, 47, and 49 are amended, new claims 51 to 56 are added, No new matter added in the claims. Reconsideration of the present application is respectfully requested.

Claim 1, 29, 47, 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson.

Claim 1 is recited a self watering tray for a regular plant pot, the tray has at least one post (numeral 80, in Fig. 7) extending up wardly from the walls of the tray, either side wall or bottom wall, or between the side and bottom wall for supporting a regular plant pot. The posts separate each other, not hollow, and made enough space for reserving fluid in the tray. The shape of the post may be different, such as cylinder.

Wilson discloses "each strip 7 includes two slots 7a, 7b which slots serve to receive an adjacent strip and secure the strips at 90 degree to each other, thus, each framework....".(last line, page 3-line 4, page 4). Clearly, Wilson discloses a framework to support a plant pot or growpad. In claim 1 of the present invention, Applicant discloses at least one post extending upwardly from the walls of the tray, either side wall or bottom wall, or between of them. The posts separate each other, that mean the posts are not integrated each other, so that, no such framework appeared in the present invention. Obviously, the posts in claim 1 claimed is completely different with Wilson's framework, and patentable over Wilson, claims 29 and 50 are dependent claim of claim 1, also patentable over Wilson.

Claim 1, 47, 48 are rejected under 35 U.S.C. 102(b) as being anticipated

by Lucas.

Lucas discloses (in Abstract): "The plant humidifier formed as a plate (1), which is designed to fit into the required pot, to support the growing medium above a reservoir of liquid. The liquid is transferred from the reservoir below the plate,".

First of all, Lucas disclosed a pot (2, of Fig. 2, 6, and 7) because Lucas stated in abstract "... a plate (1) to fit into the required pot". Clearly, numeral 2 in Figures is a pot, the plate (1) fit into the pot (2). Examiner said "comprising a plate (2 of Fig. 6),"

Lucas did not said so.

Second, Lucas stated in abstract ".....the plate (1)support the growing medium....."; Clearly, the plate (1) does not holding fluid. In claim 1 of the present invention, the tray holding fluid, does not support the growing medium.

Third, Lucas disclosed the ".....plate (1)..... is designed to fit into the required pot"; In claim 1 in the present invention, the tray sit under the pot.

Fourth, Lucas stated " formed.....pot,a reservoir of liquid.....the reservoir below the plate....."; In claim 1, the tray under the pot, not the pot under the tray.

Obviously, either the structure or functions are all different between the Lucas and the apparatus claim 1 claimed, and claim 1 is patentable over Lucas, claims 47 and 48 are dependent claims of claim 1, also patentable.

Lucas' pot apparatus is more like Hall's, so that, the better way is to use Hall's pot to reject Lucas' pot apparatus.

Claims 27 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Rajon.

Claim 27 in present invention is directed to a self watering tray for a regular

pot, the tray having side walls and a bottom wall, and at least one leg, the at least one leg coupled to the tray, the at least one leg having two sections, up section and low section, the up section is smaller than the low section, the low section having a closed side wall, a shoulder between the up section and low section supporting a plant pot.

Examiner stated: " Rajon disclosesat least one leg (C, D and F of Fig. 1,each of them having a closed side wall.....". Rajon's pot support (Fig. 1) having at least two F (shown in Fig 1, should has third one but does not shown). The question is what does the "each of them having a closed side wall" mean as Examiner stated? Does that mean each F it's self has a closed side wall? If the answer is Yes, the leg Rajon disclosed has more than one low sections (more than one F). In claim 27, there is only one low section. If the answer is No, and say more than one F should be in one section. So that, between the F's are opened. In claim 27, the side wall of the low section is closed. Clearly, Either chose Yes or No, no one is the same with the leg which claim 27 claimed. Obviously, claim 27 is patentable over Rajon, claim 44 is a dependent claim of claim 27, is patentable too.

Also, claim 27, 45, and 49 are patentable over Wilson's, please see the above statement. The leg claimed in claim 27, the low side wall formed not by a framework, or say by strips. In claim 27, there is only "a side wall". Even if Examiner still thinks four strips is the same with "a side wall", the leg claim 27 claimed still different with Wilson because there are not such extendtion parts appeared in the leg which claim 27 claimed (please see the marked parts "M" in Fig. 2 in Wilson's patent, attached). Obviously, claim 27 is patentable over Wilson's, and claims 45, 49 are dependent claims of claim 27, also patentable.

In view of the above, the claims 1 and 27 are patentable over cited references,

other claims are the dependent of claim 1 and 27, all patentable over cited references.

therefore, Applicant respectfully submits that claims patentably distinguishes over the cited references.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance. Reconsideration of the application and a favorable response are respectfully requested.

Respectfully submitted

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